



Center for Food Safety, Public Justice, Healthy Food Action, and Food & Water Watch hereby submit this Motion respectfully requesting leave to file an *amicus curiae* brief in support of the Plaintiffs' Response to Defendants' Motion to Dismiss in the above-captioned matter. Plaintiffs have consented to the filing of this brief; Defendants take no position.

*Amicus curiae* participate in litigation for the benefit of the court. *Kane Cnty. v. United States*, 934 F. Supp. 2d 1344, 1347 (D. Utah 2013). As such, a court may allow an *amicus* appearance at its discretion. *Id.* "An *amicus* brief should normally be allowed . . . when the *amicus* has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide . . . ." *Cobell v. Norton*, 246 F. Supp. 2d 59, 62 (D.D.C. 2003) (quotations omitted). District courts within the United States Court of Appeals for the Tenth Circuit thus allow *amicus* filings when the *amicus* raises unique and relevant arguments that better inform the Court's decision. *See Wildearth Guardians v. Nat'l Park Serv.*, No. 08-cv-00608, 2008 U.S. Dist. LEXIS 109097, at \*14 (D. Colo. June 30, 2008); *see also Nat'l Ski Areas Assoc. v. U.S. Forest Serv.*, No. 12-cv-00048, 2012 U.S. Dist. LEXIS 76976, at \*1-2 (D. Colo. June 4, 2012); *Utah v. United States*, No. 2:05-CV-540, 2012 U.S. Dist. LEXIS 63545, at \*8, 9 (D. Utah May 4, 2012) (relying on *amicus* brief in ruling on partial summary judgment); *Kennard v. Leavitt*, 246 F. Supp. 2d 1177, 1182 (D. Utah 2002) (noting that an *amicus* filing was permitted).

*Amici* respectfully suggest that the attached Brief may assist the Court in considering the issues presented in this case. *Amici's* Brief provides information beyond the parties' briefs about the association between foodborne illness and industrially-produced meat and poultry, and the important role that undercover investigations fill in protecting public health by exposing violations of federal law that increase consumers' risk of contracting foodborne illness. *Amici* also provide greater detail about specific undercover investigations and the government's use of such investigations.

*Amici* are all national nonprofit organizations committed to protecting consumer rights and health with regard to food and agriculture. *Amici* consistently work to educate the public about the harmful effects of industrial animal agriculture, protect consumers' right to know how their food is produced, and promote sustainable food systems. Each have dedicated programs that address food safety and animal factories. Together, these programs utilize litigation, scientific expertise, grassroots campaigns, educational outreach, legislative and regulatory reform, and information sharing to carry out their missions. *Amici* collectively seek to inform legislators, government agencies, medical professionals, and the public about practices that take place in animal factories and the associated effects on public health. *Amici* also work to hold corporations and our government accountable for harmful, illegal activity. *Amici* are thus uniquely suited in their ability to illuminate for the Court the food safety implications of the violations of federal law documented by undercover investigations.

### **REQUEST FOR RELIEF**

For the foregoing reasons, Center for Food Safety, Public Justice, Healthy Food Action, and Food & Water Watch respectfully request that this Court grant leave to file a brief as *Amici Curiae* in this matter.

Dated: December 17, 2013

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of December, 2013, I electronically filed the foregoing Motion for Leave to File an *Amicus Curiae* Brief with this Court using the CM/ECF system, which sent electronic notification to all counsel of record.

/s/ Cristina R. Stella  
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